



STATE OF CONNECTICUT

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PROBATE COURT ADMINISTRATOR

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Honorable Members of the Judiciary Committee

FROM: Paul J. Knierim
Probate Court Administrator

DATE: March 4, 2013

RE: RB 986 An Act Concerning the Applicability of Probate Court
Orders to State Agencies

The Office of the Probate Court Administrator supports RB 986 An Act Concerning the Applicability of Probate Court Orders to State Agencies.

The bill would simply confirm the binding effect of the decisions of Probate Courts. It is, in effect, a statement of current law. It adds specificity by eliminating any question that a state agency, like any other party to a Probate Court proceeding, is bound by the court's decision.

Of course, the effect of the bill would be limited to those circumstances in which the Probate Court has subject matter jurisdiction and in which a state agency is a party. Unlike the Superior Court, which is a court of general jurisdiction, Probate Courts have jurisdiction only over matters specified by statute.

The bill also confirms existing law that a state agency, like any party that is aggrieved by a Probate Court decision, has the right to appeal to the Superior Court. The agency would be subject to the same time limitations in filing an appeal as any other party. The bill would amend the appeals statute, section 45a-186, to require that any such appeals be filed in the Hartford Judicial District, rather than the district in which the Probate Court is located. This language appears to require that an appeal in any matter in which a state agency is a party would have to be filed in Hartford. Since a party other than the state agency may initiate an appeal, and since the state agency may not always have an interest in

the appeal, we suggest that this language be amended to permit filing in the local judicial district but to give the state agency the right to change venue to Hartford.

Lastly, we note that RB 984 An Act Concerning Probate Court Operations, which is also on the committee's agenda today, would amend other provisions of section 45a-186. We would be pleased to assist in drafting language to incorporate the provisions of both bills in a single proposal.